

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

Chapter 11

RUDOLPH W. GIULIANI
a/k/a RUDOLPH WILLIAM GIULIANI

Case No: 23-12055

Debtor

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**DEBTOR'S AMENDED APPLICATION FOR RETENTION AND EMPLOYMENT OF
AIDALA, BERTUNA & KAMINS, P.C. AS SPECIAL COUNSEL
EFFECTIVE DECEMBER 21, 2023**

**TO THE HONORABLE SEAN H. LANE
UNITED STATES BANKRUPTCY JUDGE**

The Application of Rudolph W. Giuliani, by and through his attorneys, Berger, Fischhoff,
Shumer, Wexler & Goodman, LLP respectfully represents:

JURISDICTION

1. This Court has jurisdiction over this Motion under 28 U.S.C. §§157 and 1334. This matter is a core proceeding within the meaning of 28 U.S.C. §§ 157(b)(2). Venue of these proceedings and this Motion is proper in this district pursuant to 28 U.S.C. §§1408 and 1409.
2. The basis for the relief requested herein are sections 105, 327(e) and 330 of the Bankruptcy Code, Rule 2014 of the Bankruptcy Rules and Rules 2014-1 and 2016-1 of the Local Rules for the Bankruptcy Court for the Southern District of New York.

BACKGROUND

3. On December 21, 2023 (the "Petition Date"), the Debtor filed his voluntary petition for relief under chapter 11 of title 11 of the United States Code (the "Bankruptcy Code").

4. The Debtor continues in possession and management of his assets and is managing as a debtor and debtor-in-possession pursuant to Bankruptcy Code §§1107 and 1108.
5. By this Application, the Debtor requests the entry of an Order pursuant to Section 327(e) of the Bankruptcy Code and Rules 2014(a) and 2016 of the Federal Rules of Bankruptcy Procedure, approving the employment and retention of Aidala, Bertuna & Kamins, P.C. (“AB&K”) as special counsel to the Debtor.
6. The Debtor requests authority to employ the AB&K firm as special counsel so they can continue in their capacity as the Debtor’s primary representation in the attorney disciplinary proceedings pending the State of New York and Washington, D.C. and the criminal case pending in the State of Georgia. All three of these proceedings are civil actions by a governmental unit to enforce their regulatory powers. Accordingly, these proceedings are not subject to the provisions of the automatic stay.
7. Pursuant to the declaration of John M. Leventhal, Esq., a partner at AB&K (the “Declaration”), AR&K requests to be retained as special counsel to continue representing the Debtor “*In the matter of Rudolph W. Giuliani admitted as Rudolph William Giuliani, a suspended attorney, Case No: 2021-0056*” pending before the Attorney Grievance Committee for the First Judicial Department and a similar matter pending in Washington D.C. and a criminal case pending in the State of Georgia.¹
8. It is important to the Debtor and the estate that the Debtor continue to defend himself in the pending attorney disciplinary proceeding. Currently the Debtor is suspended from the practice of law. This disables him from the representation of potential clients. The inability

¹ The Washington matter is captured “In the Matter of Rudolph W. Giuliani, Esq. Bar No: 237255, A Temporarily Suspended Member of the Bar of the District of Columbia Court of Appeals, Admitted: December 2, 1976 BDS: 2-BD-027, DDN:2020-D253. The Georgia matter is a State criminal proceeding.

to practice law has had a profound negative impact on the Debtor's ability to earn income to the detriment of his creditors. Therefore the continued representation by AB&K in the disciplinary case may provide a substantial benefit to the estate and its creditors.

9. The Debtor believes AB&K is well qualified to continue its representation. AB&K was selected because AB&K's expertise and extensive experience in attorney disciplinary matters. The retention of AB&K would be for the sole purpose to continue its pre-petition representation of the Debtor in the pending attorney disciplinary matters. AB&K and its attorneys have been involved in numerous cases involving attorney disciplinary proceedings and are fully versed in such matters. Because they are already representing the Debtor in these cases, they are already fully familiar with the case history it is efficient and cost effective for them to continue.
10. AB&K will be compensated for professional services at the firms usual and customary rate for matters of this nature. It will also be entitled to reimbursement of actual, necessary expenses incurred in connection with the retention subject to Court's approval in accordance with Section 330(a) of the Bankruptcy Code and in compliance with applicable provisions of the Bankruptcy Code, the Bankruptcy Rules, the Local Bankruptcy Rules, and any other applicable procedures and Orders of the Court.
11. AB&K does not have any connection with or represent any interest adverse to the Debtor, the Estate, creditors, or any other parties in interest. As of the filing date AB&K had outstanding invoices totaling \$414,518.57. As set forth in the declaration of John Leventhal, Esq., AB&K will not seek collection of the pre-petition amounts. AB&K will also not participate in the Chapter 11 proceeding as a creditor except to file a fee application for its post-petition billing. Nothing herein shall prevent AB&K from being paid from third

party sources that have helped from time to time pay some of the Debtor's legal bills and that also waive any claim for reimbursement from the estate.

12. Applicant believes that it would be economical and in the best interest of the Estate for AB&K to be retained as Special Counsel to the Debtor.

WHEREFORE, Applicant respectfully requests entry of the attached proposed Order, and for such other and further relief as is just and proper, for which previously application has not been made.

Dated: Syosset, New York
January 29, 2024

BERGER, FISCHOFF, SHUMER,
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